

**CHAPTER 11. CLAIMS FOR ERRONEOUS PAYMENT OF PAY AND ALLOWANCES,
TRAVEL AND TRANSPORTATION, RELOCATION EXPENSES AND ALLOWANCES**

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CHAPTER 11. CLAIMS FOR ERRONEOUS PAYMENT OF PAY AND ALLOWANCES, TRAVEL AND TRANSPORTATION, RELOCATION EXPENSES AND ALLOWANCES

11.1 OVERVIEW.

- 11.1.1 This chapter sets forth policies relating to claims of the United States, as represented by the National Aeronautics and Space Administration (NASA), for erroneous payment of pay and allowances, travel and transportation, relocation expenses and allowances and the waiver of those claims. Under 5 United States Code (U.S.C.) § 5584, "Claims for Overpayment of Pay and Allowances, and of Travel, Transportation and Relocation Expenses and Allowances," the authority to waive claims where collection is not in the best interest of the United States was given to the Director of the Office of Management and Budget (OMB). In the directive "Determination with Respect to Transfer of Functions Pursuant to Public Law 104-316," dated December 17, 1996, the Director of OMB is delegated authority to waive collection of erroneous payments from civilian employees to the Executive Branch agency that made the erroneous payment.

11.2 POLICY.

- 11.2.1 The 5 U.S.C. § 5514, "Installment Deduction for Indebtedness to the United States," authorizes that deductions may be made from the current pay of employees to satisfy indebtedness incurred as the result of an erroneous payment to or on behalf of the employee. NASA's policy is to promptly process claims due to erroneous payments and to approve or deny the waiver of claims based on laws, statutes, decisions of the Comptroller General, Code of Federal Regulations (CFR), and promulgations of central regulatory agencies, or other legal written documentation. When a claim against an erroneous payment is waived in accordance to this policy, the payment is deemed valid for all purposes.
- 11.2.2 In cases where an overpayment concerns a debt which clearly does not fall within the provisions of 5 U.S.C. § 5584 as amended, the NASA Headquarters, Chief Financial Officer (CFO) and the Center CFO, or the Director of Human Resources shall advise the applicant that a waiver may not be considered because the debt does not fall within the provisions of the law.
- 11.2.3 This policy does not apply to payments to other than NASA employees, or an advance made to an employee under the provisions of Subchapters I and II, Chapter 57 of Title 5, United States Code. An advance made to an employee and not used for allowable expenses are recoverable from the employee or his/her estate by: (1) setoff against accrued pay, retirement credit, or other amounts due the employee; (2) deduction from an amount due from the United States; and (3) other method provided by law.

11.3 AUTHORITIES AND REFERENCES.

- 11.3.1 General Accounting Office (GAO) Act of 1996, Public Law 104-316, 110 Stat. 3843-3844, Section 202(n), "Claims Settlement"
- 11.3.2 5 U.S.C. § 5584, "Claims for Overpayment of Pay and Allowances, and of Travel, Transportation, and Relocation Expenses and Allowances"
- 11.3.3 5 U.S.C. § 5514, "Installment deduction for indebtedness to the United States"
- 11.3.4 14 CFR, "Aeronautics and Space, Subpart 1261.6, Collection by Offset from Indebted Government Employees"
- 11.3.5 NASA Procedural Directive (NPD) 9645.2, "Delegation of Authority - To Waive Claims for Erroneous Payment of Pay and Allowances, Travel, Transportation, and Relocation Expenses and Allowances"

11.4 ROLES AND RESPONSIBILITIES.

- 11.4.1 Prior to initiating any proceedings to collect any indebtedness of an individual, the Administrator or his designee, shall provide the individual with the following:
 - A. A minimum of thirty days written notice, informing such individual of the nature and amount of the indebtedness determined by such agency to be due, the intention of the agency to initiate proceedings to collect the debt through deductions from pay, and an explanation of the rights of the individual under this subsection.
 - B. An opportunity to inspect and copy Government records relating to the debt.
 - C. An opportunity to enter into a written agreement with the agency, under terms agreeable to the head of the agency or his designee, to establish a schedule for the repayment of the debt.
 - D. An opportunity for a hearing on the determination of the agency concerning the existence or the amount of the debt, and in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to subparagraph (C), concerning the terms of the repayment schedule.
- 11.4.2 Refer to NPD 9645.2 which provides the responsibilities of the NASA Associate Administrator for Institutions and Management, the Executive Director of Headquarters Operations, and the Director of each NASA Center.
- 11.4.3 NASA Headquarters Office of the CFO shall prescribe policy to carry out the provisions of the authorities and references provided in Section 11.3 of this Chapter.